

## HIGH COURT UPHOLDS HOWAT'S JAIL TERM

Law Creating Industrial Relations Tribunal in Kansas Is Declared Valid.

PROTECTION FOR PUBLIC  
Sentence of Miners' Official Who Defied Injunction and Called Strike, to Stand.

TOPEKA, June 11.—In the most sweeping decision yet handed down affecting validity of the Kansas Industrial Court law, the State Supreme Court to-day affirmed the decision of the Crawford County District Court sentencing Alexander Howat to one year in jail for contempt. The law was held valid on each of the eight issues raised.

Referring to the Industrial Court, the decision sets forth:

"The act creating the Court of Industrial Relations is a reasonable and valid exercise of the police power of the State over the business of producing coal, and does not impair liberty of contract or permit involuntary servitude contrary to the Constitution of the United States."

The opinion, which was written by Justice R. A. Burch, and concurred in by all of the Supreme Court judges, emphatically states that production of coal is affected with a public interest and subject to State regulation and control. Howat, who is president of the Kansas Miners' Union, was found guilty of contempt of court for violating an injunction which the State previously had obtained against mine union officials to prevent calling of a strike in the Pittsburgh district.

The strike was called, industrial court members believed, in defiance of the power of the State and to definitely test the new industrial law.

Howat was found guilty and sentenced to a year in jail. His appeal to the State Supreme Court followed immediately. The case undoubtedly will go to the United States Supreme Court for final determination, Richard J. Hopkins, Attorney-General, said to-day.

The court's opinion states that Howat was not entitled to a trial by jury in the contempt proceedings, and that the injunction was not invalid as an attempt to enjoin crime.

The opinion stated that the State was authorized to apply for and to grant the injunction "to avert threatened public calamities, irrespective of the State's ownership of property affected and without the aid of a statute."

"The act creating the Court of Industrial Relations is not void under the Constitution of this State because of quality of subject, or defect of title, or because it commingles functions of separate departments of government, or because it attempts to enlarge the original jurisdiction of this court."

"The business of producing coal in this State bears an intimate relation to the

public peace, health and welfare, is affected with a public interest, and may be regulated to the end that reasonable continuity and efficiency of production may be obtained.

"The Court of Industrial Relations is, in fact, a public service commission, the word 'court' having been employed merely as a matter of legislative strategy. The production, manufacture and distribution of food, clothing and fuel, being industries affected with a public interest, are made subject to regulation in the same manner as those industries which have commonly been designated public utilities."

in upholding the right of the court to enforce its orders by mandamus action, the opinion continues:

"The Court of Industrial Relations is clearly a board within the meaning of the mandamus statute. The entering of orders in respect to matters committed to its jurisdiction is a duty resulting from office, trust or station. The tribunal appointed to make orders in the field of relations having already functioned, application to it no longer affords remedy in the ordinary course of law for such cases."

DEGREE FOR BRITISH SURGEON.

NEW HAVEN, June 11.—An honorary degree will be given by Yale University at the coming commencement to Sir Robert Jones, distinguished orthopedic surgeon of England, who is coming as a delegate of the British universities at the inauguration of President James Rowland Angell.

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## CARPENTERS LEAVE UNION CONVENTION

Continued from First Page.

people and destruction of property in Ireland." The department's delegates, however, were instructed to present the resolution to the federation convention, which opens Monday.

The department voted to send \$500 to the Building Trades Council of Pueblo to be used for the relief of the flood sufferers.

President Donlin and secretary William Spencer of the department were re-elected.

Until the matter involving the carpenters union is cleared up the office of fifth vice-president held by Mr. Hutchison will be left vacant.

"Nothing sadder has come to my attention in a considerable time than what

I have witnessed to-day," said Mr. Gompers.

"I ask you to think for yourselves for a moment now," he added, "what will be the course pursued by the enemies of labor? What will there be done to the world in America as to what has transpired in this convention? It will make the fight all the more difficult; it will make this struggle all the harder; it will not bring courage or encouragement to the great masses of the organized, and it will not bring hope or encouragement to the unorganized of a possible united labor movement."

"I am deeply and profoundly sorry, and I would not be true to you did I not express myself as I have done."

"Human Element" Forgotten.

The labor leader said the arguments on both sides were convincing, lucid and intelligent but, he said, the "human element" had been forgotten.

President Donlin of the department said that the executive council of the department would attempt to get a meeting with the carpenters' executive body and learn whether it intended to live up to the board's decision. "If they don't they will be suspended," he said.

The carpenters' union, which is the

largest union in the building trades department and the second largest in the Federation, has twice before withdrawn or been suspended from the department because of jurisdictional controversies.

The official rollcall showed that if the carpenters' delegates, who declined to vote, had cast a ballot the resolution for the suspension of unions defying the board would have been lost by six votes. "We consider ourselves suspended and have no intention of appealing from the convention's action," said President Hutchison. "We will function, progress and prosper as we always have done, without the aid of the Building Trades Department."

"If they want to suspend us from the American Federation of Labor they can do that, too. We can get along without that affiliation and save money. We don't need their help."

President Hutchison declared that there could be no compromise settlement of the controversy.

Labor leaders said that the laws of the federation provided that member unions must have affiliation in a trades department. In this event the carpenters will face suspension from the Federation also.

## AUTOMOBILES KILL TWO; INJURE FOUR

Two Cars Crash in Richmond Hill—Woman Knocked Down in Woodhaven.

Bernard A. Stevens of 259 Eighty-ninth street, Brooklyn, was killed yesterday afternoon when an automobile in which he was riding collided at Woodhaven and Myrtle avenues, Richmond Hill, Queens, with another car driven by Gaudolpho Restivo of 115 Evergreen avenue, Brooklyn, and three other men were hurt. They were U. Russell of 85 Cranberry street, Charles Romand of 71 Taffee place and Joseph Tutts of 115 Franklin avenue, all of Brooklyn. None of these was hurt seriously.

Stevens was a passenger in an automobile driven by Cornelius U. Bahukun

of 5608 Third avenue, Brooklyn, who was driving swiftly to avoid the rain. Stevens died on his way to St. Mary's Hospital in Jamaica, where the injured were also taken.

One of the eight sightseeing buses which carried the employees of the New York Life Insurance Company on their annual picnic at Malba, Queens, hit another bus yesterday afternoon at Eighteenth avenue and Malba avenue, White-stone, L. I. Miss Florence Hareington of 114 West Twenty-ninth street, a clerk in the main office of the company, suffered injuries to her right leg and right side. She was sent to the Flushing Hospital.

Mrs. Catherine Bowie of 612 Eighty-ninth street, Brooklyn, was knocked down at Jamaica avenue, at Eighty-ninth street, Woodhaven, by an automobile owned by Mrs. Lily Weinreb of 163 Livingston street. Mrs. Bowie died while she was being taken to the Jamaica Hospital, and Mrs. Weinreb was held in the Woodhaven police.

Three young women, two of them sisters, were injured last night when two automobiles collided at Fifth avenue and Nineteenth street. They were taken to Mount Sinai Hospital and later sent home. They are Ida Schmuckler, 23, her sister, Fay, 29, of 296 Riverdale ave-

nue, Brooklyn, and Ida Lazebnick, 29, of 28 Powell street, Brooklyn. The girls were riding in an automobile driven by Harry Weinstein of 35 Powell street, Brooklyn, and were thrown to the floor of the car by the force of the collision. Glenn White of 23 Riverdale avenue, Brooklyn, was served with a summons to appear in Traffic Court Tuesday morning on complaint made by Weinstein. White and Weinstein were going north on Fifth avenue, the police said, when White tried to go around the other car.

BRINGS THANKS FROM ARMENIA

Head of Mission Arrives With Message for Harding.

Gabriel Noradounghian, former Turkish Minister of Foreign Affairs, who has just arrived as head of an Armenian mission, yesterday issued a statement explaining that he came to extend to President Harding and the American people thanks for relief work.

"It is part of my mission to present to the Administration in Washington the needs of the Armenian people, with every hope and expectation that this Government will find proper ways and means to help," he added.

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